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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,243	01/16/2002	Stephen R. Dohm	ITWO:0026	6362

7590

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EXAMINER

SAETHER, FLEMMING

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,243

Applicant(s)

DOHM, STEPHEN R.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Objections

Claim 7 is objected to because it lacks a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Boven (US 5,807,052) in view of Bernoni (US 5,584,628). Van Boven discloses a fastener assembly comprising a stemmed washer having a standoff portion (120) and a spring washer portion (124). The spring washer portion is formed at an acute angle relative to standoff portion and having a generally conical shape which is elastically deformable (Figs. 6a and 6b). Van Boven shows an externally threaded fastener retained to the stemmed washer but, does not disclose an internally threaded fastener. Bernoni discloses a fastener assembly wherein a fastener is retained to a washer and teaches to interchange an internally threaded fastener as seen in Fig. 5 for and externally threaded fastener as seen in Figs. 1 and 3. Accordingly, at the time the invention was made, the skilled artisan would have recognized to substitute the externally threaded fastener disclosed in Van Boven with an internally threaded fastener in view of the teaching of Bernoni such that the assembly could be used in applications

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requiring an internally threaded fastener. Bernoni further discloses the fastener to have a flange (not labeled) and the washer to have a retaining portion comprising a skirt deformed inwardly to capture the flange (at 14) such that the fastener is rotatable relative to the washer. At the time the invention was made, the person of ordinary skill in the art would have recognized the retaining skirt as disclosed in Bernoni as an optimal means of retaining the fastener in Van Boven. The method would have been inherent in the combination.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Boven on view of Bernoni and further in view of applicant's admitted prior art (APA). As described above, Van Boven as modified by Bernoni discloses a fastener assembly including a stemmed washer retained to an internally threaded fastener. However, modified Van Boven does not disclose the joint wherein the stemmed, or standoff, portion of the washer extends through first and second members. In the "*Background of the invention*" applicant described a fastener assembly wherein standoff portion of a stemmed washer, extends through "one or more compressible materials" such that a traditional nut and bolt with associated washers are located on opposite sides. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to use the assembly of modified Van Boven in an application as described in the APA wherein it is required to secure one or more compressible materials together. The assembly of modified Van Boven is superior in that it provides for the spring washer on the standoff and for the standoff to be preassembled to the

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fastener. The spring washer would provide a biasing for a secure connection and the preassembly would facilitate assembly with the materials.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Brown can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Flemming Saether
Primary Examiner
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